

106TH CONGRESS }
1st Session

SENATE

{ REPORT
106-143

ORGAN DONOR LEAVE ACT

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 457

TO AMEND TITLE 5, UNITED STATES CODE, TO INCREASE THE
AMOUNT OF LEAVE TIME AVAILABLE TO A FEDERAL EMPLOYEE
IN ANY YEAR IN CONNECTION WITH SERVING AS AN ORGAN
DONOR, AND FOR OTHER PURPOSES



AUGUST 27, 1999.—Ordered to be printed

Filed under authority of the order of the Senate of August 5, 1999

U.S. GOVERNMENT PRINTING OFFICE

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Calendar No. 264

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Mr. THOMPSON, from the Committee on Governmental Affairs,
submitted the following

REPORT

[To accompany H.R. 457]

I. PURPOSE AND SUMMARY

The purpose of H.R. 457, the Organ Donor Leave Act of 1999, is to provide federal employees with paid leave not exceeding 30 days in any calendar year to serve as an organ donor and paid leave not exceeding seven days in any calendar year to serve as a bone marrow donor.

II. BACKGROUND

Since 1954, when the first kidney transplant was performed, there have been hundreds of patients who have received successful transplants from living donors. Unfortunately, there are not enough organs available and more than 55,000 Americans currently wait for a life-saving organ.

There are certain organs, such as a single kidney, a lobe of a lung, a segment of the liver, or a portion of the pancreas, which may be transplanted from a living donor. These operations can reduce the mortality of small children needing liver transplants, help another person breathe, or free a dialysis patient from daily treatment.

It is important that Congress encourage citizens to consider becoming organ donors. The Federal Government, the nation's largest employer, should lead by example and make it easier for Federal employees to become donors.

Currently, Federal employees may use up to seven days of leave in each calendar year to serve as an organ donor or a bone marrow donor. Leave for bone marrow and organ donations is considered a separate leave category, so donors do not have to use their personal sick or annual leave time for these vital medical procedures. However, recent studies show that although a period of seven days is generally adequate for bone marrow donations, in most instances, the recovery time for an organ transplant operation for the living donor is generally six to eight weeks. This legislation will increase to 30 days the amount of leave that may be used for organ donation. The amount of leave that may be used for bone marrow donations will remain at seven days. The Office of Personnel Management and the Department of Health and Human Services assisted in drafting this legislation.

According to the University of Southern California Liver Transplant Program, "With living donors, liver transplants can be performed electively and before patients get extremely ill, thus leading to better outcomes. Another advantage to this approach is the emotional satisfaction donors share with recipients when a life is saved." H.R. 457 has the strong support of the American Transplantation Society, the nation's largest professional transplant organization, representing more than 1,400 physicians, surgeons, and scientists.

III. LEGISLATIVE HISTORY

H.R. 457 was introduced in the House of Representatives by Rep. Elijah Cummings on February 2, 1999. It was referred to the House Committee on Government Reform and to the Subcommittee on Civil Service on February 9, 1999. On May 13, 1999, the Subcommittee on Civil Service considered the bill and forwarded it by voice vote to the Committee on Government Reform. On May 19, 1999, the Committee on Government Reform ordered reported H.R. 457 by voice vote. The bill was passed by voice vote under suspension of the rules in the House on July 26, 1999. On July 27, 1999 the bill was referred to the Senate Committee on Governmental Affairs.

S. 1334 was introduced on July 1, 1999 by Senator Daniel Akaka and has been cosponsored by Senators Edwards, Frist, Stevens, Levin, Durbin, Sarbanes, Cochran, Collins, Lieberman, Santorum and DeWine. It was referred to the Senate Committee on Governmental Affairs on July 1, 1999 and to the Subcommittee on International Security, Proliferation and Federal Services on July 5, 1999. It was unanimously reported by polling letter from the Subcommittee on July 23, 1999.

The full Senate Committee on Governmental Affairs considered S. 1334 and H.R. 457 on August 3, 1999. The Committee voted to order both bills reported by voice vote.

IV. SECTION-BY-SECTION ANALYSIS

Section 1, Subsection (a) entitles the Act as the "Organ Donor Leave Act of 1999."

Section 1, Subsection (b) amends subsection (b) of the first section of section 6327 of title 5, U.S.C., to allow an employee to use

up to 7 days of leave in any calendar year to serve as a bone marrow donor. It also authorizes the use of not more than 30 days leave in any calendar year to serve as an organ donor.

Section 1, Subsection (c) makes technical corrections to redesignate the second section of section 6327, title 5, U.S.C., as section 6328.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill. The enactment of this legislation would have no significant regulatory impact. H.R. 457 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandate Reform Act and would impose no costs on the budgets of state, local or tribal governments.

VI. ESTIMATED COST OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 1999.

Hon. FRED THOMPSON,
*Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 457, the Organ Donor Leave Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 457—Organ Donor Leave Act

H.R. 457 would increase—from seven days to 30 days—the amount of paid leave (in addition to annual and sick leave) available to federal employees who serve as organ donors. CBO estimates that enacting this legislation would have no significant impact on the federal budget. Because the act would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 457 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the budgets of state, local, or tribal governments.

The CBO staff contact is John R. Righter. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as

reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic and existing law, in which no change in proposed, is shown in roman):

CHAPTER 63 OF TITLE 5, UNITED STATES CODE

CHAPTER 63—LEAVE

Subchapter II—Other Paid Leave

6321. Absence of veterans to attend funeral services.

* * * * *

6327. Absence in connection with serving as a bone-marrow or organ donor.

6328. *Absence in connection with funerals of fellow Federal law enforcement officers.*

Subchapter II—Other Paid Leave

* * * * *

§ 6327. Absence in connection with serving as a bone-marrow or organ donor

(a) * * *

[(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.]

(b) *An employee may, in any calendar year, use—*

(1) not to exceed 7 days of leave under this section to serve as a bone-marrow donor; and

(2) not to exceed 30 days of leave under this section to serve as an organ donor.

* * * * *

[§ 6327.] § 6328. Absence in connection with funerals of fellow Federal law enforcement officers

(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

* * * * *